

CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I – ADMINISTRATION

DIVISION I - GENERAL

29-1-1 **TITLE.** These regulations shall be known as the "Property Maintenance Code", hereinafter referred to as "This Code".

29-1-2 **SCOPE.** The provisions of this Article shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

29-1-3 **INTENT.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

29-1-4 **RESERVED.**

(Ord. No. 554-A; 02-03-03)

DIVISION II – APPLICABILITY

29-1-5 **GENERAL.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in **Division I**. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

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29-1-6 **MAINTENANCE.** Equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

29-1-7 **APPLICATION OF OTHER CODES.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the **International Building Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code** and the **ICC Electrical Code**. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Zoning Code, if any.

29-1-8 **EXISTING REMEDIES.** The provisions of this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

29-1-9 **WORKMANSHIP.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

29-1-10 **HISTORIC BUILDINGS.** The provisions of this Code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

29-1-11 **RESERVED.** (Ord. No. 622; 07-09-09)

29-1-12 **REQUIREMENTS NOT COVERED BY CODE.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

29-1-13 **RESERVED.**

DIVISION III – DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

29-1-14 **GENERAL.** The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.

29-1-15 **APPOINTMENT.** The Code Official shall be appointed by the Mayor with the advice and consent of the Village Board, and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Mayor.

29-1-16 **DEPUTIES.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Village Board, the Code Official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

29-1-17 **RESTRICTION OF EMPLOYEES.** An official or employee connected with the enforcement of this Code, except one whose only connection is that of a member of the Board of Appeals established under the provisions of **Division II**, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the Department.

29-1-18 **LIABILITY.** The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be

rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the Department of Property Maintenance Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

29-1-19 **FEES.** The fees for activities and services performed by the Department in carrying out its responsibilities under this Code shall be as indicated in **Appendix "A"**.

29-1-20 **RESERVED.**

DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL

29-1-21 **GENERAL.** The Code Official shall enforce the provisions of this Code.

29-1-22 **RULE-MAKING AUTHORITY.** The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

29-1-23 **INSPECTIONS.** The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or

individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

29-1-24 RIGHT OF ENTRY. The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

29-1-25 IDENTIFICATION. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

29-1-26 NOTICES AND ORDERS. The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

29-1-27 DEPARTMENT RECORDS. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

29-1-28 COORDINATION OF INSPECTIONS. Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the Code Officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

29-1-29 RESERVED.

DIVISION V – APPROVAL

29-1-30 MODIFICATIONS. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

29-1-31 ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

29-1-32 REQUIRED TESTING. Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(A) **Test Methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall approve the testing procedures.

(B) **Testing Agency.** All tests shall be performed by an approved agency.

(C) **Test Reports.** Reports of tests shall be retained by the Code Official for the period required for retention of public records.

29-1-33 MATERIAL AND EQUIPMENT REUSE. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

29-1-34 RESERVED.

DIVISION VI – VIOLATIONS

29-1-35 **UNLAWFUL ACTS.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

29-1-36 **NOTICE OF VIOLATION.** The Code Official shall serve a notice of violation or order in accordance with **Division VII**.

29-1-37 **PROSECUTION OF VIOLATION.** Any person failing to comply with a notice of violation or order served in accordance with **Division VII** shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

29-1-38 **VIOLATION PENALTIES.** Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by **Section 1-1-20**. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

29-1-39 **ABATEMENT OF VIOLATION.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

29-1-40 **RESERVED.**

DIVISION VII – NOTICES AND ORDERS

29-1-41 NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in **Sections 29-1-42 and 29-1-43**. Notices for condemnation procedures shall also comply with **Section 29-1-49**.

29-1-42 FORM. Such notice prescribed in **Section 29-1-41** shall be in accordance with all of the following:

- (A) Be in writing.
- (B) Include a description of the real estate sufficient for identification.
- (C) Include a statement of the violation or violations and why the notice is being issued.
- (D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
- (E) Inform the property owner of the right to appeal.

29-1-43 METHOD OF SERVICE. Such notice shall be deemed to be properly served if a copy thereof is:

- (A) Delivered personally;
- (B) Sent by certified or first-class mail addressed to the last known address; or
- (C) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

29-1-44 PENALTIES. Penalties for noncompliance with orders and notices shall be as set forth in **Section 29-1-38**.

29-1-45 TRANSFER OF OWNERSHIP. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish

to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

29-1-46 RESERVED.

DIVISION VIII – UNSAFE STRUCTURES AND EQUIPMENT

29-1-47 GENERAL. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

(A) **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(B) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(C) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(D) **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

29-1-48 CLOSING OF VACANT STRUCTURES. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the

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premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

29-1-49 **NOTICE.** Whenever the Code Official has condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with **Section 29-1-43**. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in **Section 29-1-42**.

29-1-50 **PLACARDING.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "**Condemned**" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(A) **Placard Removal.** The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

29-1-51 **PROHIBITED OCCUPANCY.** Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

29-1-52 - 29-1-59 **RESERVED.**

DIVISION IX – EMERGENCY MEASURES

29-1-60 **IMMINENT DANGER.** When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: **“This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.”** It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

29-1-61 **TEMPORARY SAFEGUARDS.** Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

29-1-62 **CLOSING STREETS.** When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

29-1-63 **EMERGENCY REPAIRS.** For the purposes of this Section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

29-1-64 **COSTS OF EMERGENCY REPAIRS.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

29-1-65 **HEARING.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this Code.

29-1-66 **RESERVED.**

DIVISION X – DEMOLITION

29-1-67 **GENERAL.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than **two (2) years**, to demolish and remove such structure.

29-1-68 **NOTICES AND ORDERS.** All notices and orders shall comply with **Section 29-1-41 et seq.**

29-1-69 **FAILURE TO COMPLY.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

29-1-70 **SALVAGE MATERIALS.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and

the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

29-1-71 BUILDING REMOVAL PERMIT REQUIRED; APPLICATION.

No person shall remove, destroy, wreck or demolish any building or structure in the Village without first securing a permit therefore from Village as hereinafter set forth.

(A) Application for a permit required by this Section shall be made in writing to the Village Clerk and shall state the legal description of the real estate on which the building or structure is situated, the street address of the property, and the type of building or structure to be demolished, the interest of the applicant therein, the date the demolition is to commence, the estimated date of completion and any other information as may be from time to time required by the Code Enforcement Officer.

(B) Upon filing of an application for a permit required by this Section, the Village Clerk will refer the application to the Code Enforcement Officer, who shall examine the application and investigate the site. Upon completion of his examination of the application and investigations relative thereto, the Code Enforcement Officer shall make recommendations concerning the proposed demolition.

(C) Upon final approval of the application by Code Enforcement Officer, a building removal permit shall be issued by the Village Clerk.

(D) The applicant shall commence demolition of the building or structure for which the permit is issued within **thirty (30) days** of approval. Demolition of the building or structure shall be completed within **ninety (90) days** after commencement thereof.

(E) Filling of basements; removal of foundations.

- (1) All depressions or basements under any building or structure for which a permit is used for demolition shall be filled to the same level as the existing grade or landscape.
- (2) All depressions and basements shall be filled with clay and compacted. However, with the approval thereof and under the supervision of the Code Enforcement Officer, broken concrete may be used as fill below **three (3) feet** of grade or landscape where the concrete basement floor is broken up to prevent the pooling of water and the broken concrete or rock foundation is covered with sand which shall be flooded in with water to prevent unfilled pockets.
- (3) An existing basement foundation or other foundation may be used for new construction provided approval thereof for the purpose has been granted by the Code Enforcement Officer and a building permit has been issued for the new construction by Village prior to the time the demolition is required to be completed. The Village shall only permit an existing basement foundation or other foundation to be used for new construction which satisfies all building code

requirements for test loads and other criteria as set forth in the Code.

- (4) Unless an existing basement foundation or other foundation is to be used for new construction, all that portion of the basement walls, foundations and other supporting structures shall be removed to a point **three (3) feet** below grade or landscape.
- (5) Where any building or structure proposed to be removed or demolished was constructed upon a concrete slab or a concrete slab is adjacent thereto, the concrete slab shall be removed at the time of demolition of the building or structure unless satisfactory evidence is presented to Village Board of a future intended use for the slab in conformity with all building codes and zoning regulations of the Village. The burden of producing satisfactory evidence of the intended future use shall be on the applicant.

(F) Any building or structure which is damaged by explosion, fire, flood, wind or other act of God to the extent of **fifty percent (50%)** or more of its fair market value immediately prior to damage shall be removed or demolished within **ninety (90) days** of damage.

(G) A fee of **Twenty-Five Dollars (\$25.00)** for the demolition of each building or structure to be demolished shall accompany the filing of an application for a permit therefore. The Village reserves the right to waive all or part of any fees associated herein. **(Ord. No. 611; 12-01-08)**

29-1-71.1 In the event the demolition of any building or structure for which a permit for demolition is issued by Village pursuant to above is not completed within the time required under the provisions of this Section, the Village may cause the demolition to be completed at the expense of the applicant or the owner thereof and any costs or expenses incurred by the Village in completing the demolition thereof shall constitute a lien against the real estate whereon the building or structure was situated; notice thereof shall be given by the Village filing the same in the office of the Recorder of Deeds of the County. **(Ord. No. 611; 12-01-08)**

29-1-71.2 Any person receiving a permit under the provisions of this Section shall comply with all the provisions to the extent the provisions are applicable to the demolition of buildings and with the laws of the state and other provisions of this Code of Ordinances, relating to the demolition of buildings. **(Ord. No. 611; 12-01-08)**

DIVISION XI – MEANS OF APPEAL

29-1-72 **APPLICATION FOR APPEAL.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeals is filed within **twenty (20) days** after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause an undue hardship.

29-1-73 **MEMBERSHIP OF BOARD.** The Board of Appeals shall consist of a minimum of **three (3) members** who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

(A) **Alternate Members.** The chief appointing authority shall appoint **two (2)** or more alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

(B) **Chairman.** The Board shall annually select one of its members to serve as Chairman.

(C) **Disqualification of Member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(D) **Secretary.** The Chief Administrative Officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Chief Administrative Officer.

(E) **Compensation of Members.** Compensation of members shall be determined by law.

29-1-74 **NOTICE OF MEETING.** The Board shall meet upon notice from the Chairman, within **twenty (20) days** of the filing of an appeal, or at stated periodic meetings.

29-1-75 **OPEN HEARING.** All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than **two-thirds (2/3)** of the Board membership.

(A) **Procedure.** The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

29-1-76 POSTPONED HEARING. When a full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

29-1-77 BOARD DECISION. The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed Board members.

(A) **Records and Copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

(B) **Administration.** The Code Official shall take immediate action in accordance with the decision of the Board.

29-1-78 COURT REVIEW. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Chief Administrative Officer.

29-1-79 STAYS OF ENFORCEMENT. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

ARTICLE II – DEFINITIONS

DIVISION I – GENERAL

29-2-1 **SCOPE.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Article.

29-2-2 **INTERCHANGEABILITY.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

29-2-3 **TERMS DEFINED IN OTHER CODES.** Where terms are not defined in this Code and are defined in the *International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code* or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

29-2-4 **TERMS NOT DEFINED.** Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

29-2-5 **PARTS.** Whenever the words “dwelling unit”, “dwelling”, “premises”, “building”, “rooming house”, “rooming unit” or “story” are stated in this Code, they shall be construed as though they were followed by the words “or any part thereof”.

29-2-6 **RESERVED.**

DIVISION II – GENERAL DEFINITIONS

29-2-7 **GENERAL DEFINITIONS.**

Approved. Approved by the Code Official.

Basement. That portion of a building which is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

Code Official. The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

Condemn. To adjudge unfit for occupancy.

Dwelling Unit. A single unit providing complete, independent living facilities for **one (1)** or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Labeled. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled

items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let For Occupancy or Let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Openable Area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, corporation, partnership or any other group acting as a unit.

Premises. A lot, plot or parcel of land including any structures thereon.

Rooming House. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming Unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Strict Liability Offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

Structure. That which is built or constructed or a portion thereof.

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet Room. A room containing a water closet or urinal but not a bathtub or shower.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard. An open space on the same lot with a structure.

ARTICLE III – GENERAL REQUIREMENTS

DIVISION I – GENERAL

29-3-1 **SCOPE.** The provisions of this Article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

29-3-2 **RESPONSIBILITY.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

29-3-3 **VACANT STRUCTURES AND LAND.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

29-3-4 **OCCUPANCY INSPECTION REQUIRED.** Any change of occupancy of any property shall require an inspection of the building and improvements on such premises to determine that the same is in a fit condition for occupancy.

(A) Owners of such property shall be obligated to notify the Village not less than **seventy-two (72) hours** prior to a change of occupancy of such property. Such notification shall be made to the Office of the Village Clerk or Code Enforcement Officer.

(B) Failure of any owner of any property to notify the Village Code Enforcement Officer or Village Clerk of a change in occupancy shall result in a fine of not less than **Five Hundred Dollars (\$500.00)**. No utility service shall be authorized at such property until payment of said fine has been fully satisfied.

(C) All fees for occupancy inspections as required by this Chapter shall be established from time to time with the advice and consent of the Board of Trustees and shall be paid to the Village Clerk. The fees are intended to defray the administrative costs connected with the process of occupancy inspections and shall not constitute a tax or other revenue-raising device. **(Ord. No. 14-683; 07-07-14)**

29-3-4.1 **NEW OR ALTERED CONSTRUCTION; CERTIFICATE OF OCCUPANCY.** No occupancy of new construction or altered structures shall be permitted until the erection, construction or alteration has been completed, inspected and approved by the Code Official as evidenced by the issuance of a Certificate of Occupancy. **(Ord. No. 623; 07-09-09)**

29-3-4.2 **CRITERIA.** The criteria for finding of fitness and issuance of Certificate of Occupancy shall be based upon the provisions of this Chapter. **(Ord. No. 623; 07-09-09)**

29-3-4.3 **UTILITY SERVICES.** No water, sewer or trash hauling services shall be initiated for services to the premises until same has been inspected and approved, or a Certificate of Occupancy has been issued by the Code Official or his designee. **(Ord. No. 623; 07-09-09)**

29-3-4.4 **RECORDS.** A record of all inspections and Certificates of Occupancy issued by the Code Official shall be kept on file in the Village Hall; copies thereof shall be furnished to anyone upon request and on terms as the Village Clerk shall prescribe. **(Ord. No. 623; 07-09-09)**

DIVISION II – EXTERIOR PROPERTY AREAS

29-3-5 **SANITATION.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

29-3-6 **GRADING AND DRAINAGE.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

EXCEPTION: Approved retention areas and reservoirs.

29-3-7 **SIDEWALKS AND DRIVEWAYS.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

29-3-8 **WEEDS.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of **eight (8) inches**. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. **(Ord. No. 12-05; 07-02-12)**

29-3-9 **RODENT HARBORAGE.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

29-3-10 **EXHAUST VENTS.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

29-3-11 **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(A) **Gates.** Gates which are required to be self-closing and self-latching in accordance with the *International Building Code* shall be maintained such that the gate will positively close and latch when released from a still position of **six (6) inches** from the gatepost.

(B) **Swimming Pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

29-3-12 **MOTOR VEHICLES.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

EXCEPTION: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

29-3-13 **DEFACEMENT OF PROPERTY.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

29-3-14 **RESERVED.**

DIVISION III – EXTERIOR STRUCTURE

29-3-15 **GENERAL.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to post a threat to the public health, safety or welfare.

29-3-16 **PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

29-3-17 **PREMISES IDENTIFICATION.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of **four (4) inches** high with a minimum stroke width of **one-half (0.5) inch**.

29-3-18 **STRUCTURAL NUMBERS.** All structural numbers shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

29-3-19 **FOUNDATION WALLS.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

29-3-20 **EXTERIOR WALLS.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

29-3-21 **ROOFS AND DRAINAGE.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

29-3-22 **DECORATIVE FEATURES.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

29-3-23 **OVERHANG EXTENSIONS.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

29-3-24 **STAIRWAYS, DECKS, PORCHES AND BALCONIES.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

29-3-25 **CHIMNEYS AND TOWERS.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

29-3-26 **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

29-3-27 **WINDOW, SKYLIGHT AND DOOR FRAMES.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(A) **Glazing.** All glazing materials shall be maintained free from cracks and holes.

(B) **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

29-3-28 **INSECT SCREENS.** During the period from _____ to _____, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than **sixteen (16) mesh per inch** and every swinging door shall have a self-closing device in good working condition.

EXCEPTION: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

29-3-29 **DOORS.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 29-7-5.**

29-3-30 **BASEMENT HATCHWAYS.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

29-3-31 **GUARDS FOR BASEMENT WINDOWS.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

29-3-32 **RESERVED.**

DIVISION IV – INTERIOR STRUCTURE

29-3-33 **GENERAL.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, **two (2)** or more dwelling units or **two (2)** or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

29-3-34 **STRUCTURAL MEMBERS.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

29-3-35 **INTERIOR SURFACES.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

29-3-36 **STAIRS AND WALKING SURFACES.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

29-3-37 **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

29-3-38 **INTERIOR DOORS.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

29-3-39 **RESERVED.**

DIVISION V – RUBBISH AND GARBAGE

29-3-40 **ACCUMULATION OF RUBBISH OR GARBAGE.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

29-3-41 **DISPOSAL OF RUBBISH.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(A) **Rubbish Storage Facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

29-3-42 **DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(A) **Garbage Facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

(B) **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

29-3-43 **RESERVED.**

DIVISION VI – EXTERMINATION

29-3-44 **INFESTATION.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

29-3-45 **OWNER.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

29-3-46 **SINGLE OCCUPANT.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

29-3-47 **MULTIPLE OCCUPANCY.** The owner of a structure containing **two (2)** or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

29-3-48 **OCCUPANT.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

EXCEPTION: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

ARTICLE IV – LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

DIVISION I – GENERAL

29-4-1 **SCOPE.** The provisions of this Article shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

29-4-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this Article.

29-4-3 **ALTERNATIVE DEVICES.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

29-4-4 **RESERVED.**

DIVISION II – LIGHT

29-4-5 **HABITABLE SPACES.** Every habitable space shall have at least **one (1) window** of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be **eight percent (8%)** of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than **three (3) feet** from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

EXCEPTION: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet**. The exterior glazing area shall be based on the total floor area being served.

29-4-6 **COMMON HALLS AND STAIRWAYS.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a **sixty (60) watt** standard incandescent light bulb for each **two hundred (200) square feet** of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than **thirty (30) feet**. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of **one (1) footcandle (11 lux)** at floors, landings and treads.

29-4-7 **OTHER SPACES.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

29-4-8 **RESERVED.**

DIVISION III – VENTILATION

29-4-9 **HABITABLE SPACES.** Every habitable space shall have at least **one (1)** operable window. The total operable area of the window in every room shall be equal to at least **forty-five percent (45%)** of the minimum glazed area required in **Section 29-4-5**.

EXCEPTION: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet**. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

29-4-10 **BATHROOMS AND TOILET ROOMS.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by **Section 29-4-9**, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

29-4-11 COOKING FACILITIES. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

EXCEPTION: Where specifically approved in writing by the Code Official.

29-4-12 PROCESS VENTILATION. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

29-4-13 CLOTHES DRYER EXHAUST. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

29-4-14 RESERVED.

DIVISION IV – OCCUPANCY LIMITATIONS

29-4-15 PRIVACY. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

29-4-16 MINIMUM ROOM WIDTHS. A habitable room, other than a kitchen, shall not be less than **seven (7) feet** in any plan dimension. Kitchens shall have a clear passageway of not less than **three (3) feet** between counterfronts and appliances or counterfronts and walls.

29-4-17 MINIMUM CEILING HEIGHTS. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than **seven (7) feet**.

EXCEPTIONS:

(A) In one- and two-family dwellings, beams or girders spaced not less than **four (4) feet** on center and projecting not more than **six (6) inches** below the required ceiling height.

(B) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than **six (6) feet eight (8) inches** with not less than **six (6) feet four (4) inches** of clear height under beams, girders, ducts and similar obstructions.

(C) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least **seven (7) feet** over not less than **one-third (1/3)** of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of **five (5) feet** or more shall be included.

29-4-18 BEDROOM REQUIREMENTS. Every bedroom shall comply with the following requirements:

(A) **Area for Sleeping Purposes.** Every bedroom occupied by **one (1) person** shall contain at least **seventy (70) square feet** of floor area, and every bedroom occupied by more than **one (1) person** shall contain at least **fifty (50) square feet** of floor area for each occupant thereof.

(B) **Access From Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than **two (2) bedrooms**.

(C) **Water Closet Accessibility.** Every bedroom shall have access to at least **one (1) water closet** and **one (1) lavatory** without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least **one (1) water closet** and lavatory located in the same story as the bedroom or an adjacent story.

(D) **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(E) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Article; the plumbing facilities and water-heating facilities requirements of **Article V**; the heating facilities and electrical receptacle requirements of **Article VI**; and the smoke detector and emergency escape requirements of **Article VII**.

29-4-19 OVERCROWDING. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following table.

MINIMUM AREA REQUIREMENTS

Space	Minimum Area in Square Feet		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a.b.}	No requirements	120	150
Dining room ^{a.b.}	No requirements	80	100
Kitchen ^{b.}	50	50	60
Bedrooms	Shall comply with Section 29-4-18		

For SI: 1 square foot = 0.093 m².

^{a.} See **Section 29-4-19(B)** for combined living room/dining room spaces.

^{b.} See **Section 29-4-19(A)** for limitations on determining the minimum occupancy area for sleeping purposes.

(A) **Sleeping Area.** The minimum occupancy area required by the above table shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with **Section 29-4-18**.

(B) **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of this Section if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

29-4-20 EFFICIENCY UNIT. Nothing in this Section shall prohibit an efficiency living unit from meeting the following requirements:

(A) A unit occupied by not more than **two (2) occupants** shall have a clear floor area of not less than **two hundred twenty (220) square feet**. A unit occupied by **three (3) occupants** shall have a clear floor area of not less than **three hundred twenty (320) square feet**. These required areas shall be exclusive of the areas required by (A) and (B).

(B) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than **thirty (30) inches** in front. Light and ventilation conforming to this Code shall be provided.

(C) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(D) The maximum number of occupants shall be **three (3)**.

29-4-21 FOOD PREPARATION. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

ARTICLE V – PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

DIVISION I – GENERAL

29-5-1 **SCOPE.** The provisions of this Article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

29-5-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Article.

29-5-3 **RESERVED.**

DIVISION II – REQUIRED FACILITIES

29-5-4 **DWELLING UNITS.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

29-5-5 **ROOMING HOUSES.** At least **one (1)** water closet, lavatory and bathtub or shower shall be supplied for each **four (4)** rooming units.

29-5-6 **HOTELS.** Where private water closets, lavatories, and baths are not provided, **one (1)** water closet, **one (1)** lavatory and **one (1)** bathtub or shower having access from a public hallway shall be provided for each **ten (10) occupants.**

29-5-7 **EMPLOYEES' FACILITIES.** A minimum of **one (1)** water closet, **one (1)** lavatory and **one (1)** drinking facility shall be available to employees.

(A) **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

29-5-8 **RESERVED.**

DIVISION III – TOILET ROOMS

29-5-9 **PRIVACY.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

29-5-10 **LOCATION.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than **one (1)** flight of stairs and shall have access from a common hall or passageway.

29-5-11 **LOCATION OF EMPLOYEE TOILET FACILITIES.** Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than **one (1) story** above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of **five hundred (500) feet**. Employee facilities shall either be separate facilities or public customer facilities.

EXCEPTION: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of **five hundred (500) feet** from the employees' regular working area to the facilities.

29-5-12 **RESERVED.**

DIVISION IV – PLUMBING SYSTEMS AND FIXTURES

29-5-13 **GENERAL.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and

defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

29-5-14 **FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

29-5-15 **PLUMBING SYSTEM HAZARDS.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

29-5-16 **RESERVED.**

DIVISION V – WATER SYSTEM

29-5-17 **GENERAL.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

29-5-18 **CONTAMINATION.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

29-5-19 **SUPPLY.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

29-5-20 **WATER HEATING FACILITIES.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than **one hundred twenty degrees Fahrenheit (120°F)**. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

29-5-21 **RESERVED.**

DIVISION VI – SANITARY DRAINAGE SYSTEM

29-5-22 **GENERAL.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

29-5-23 **MAINTENANCE.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

DIVISION VII – STORM DRAINAGE

29-5-24 **GENERAL.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

ARTICLE VI – MECHANICAL AND ELECTRICAL REQUIREMENTS

DIVISION I – GENERAL

29-6-1 **SCOPE.** The provisions of this Article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

29-6-2 **RESPONSIBILITY.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Article.

DIVISION II – HEATING FACILITIES

29-6-3 **FACILITIES REQUIRED.** Heating facilities shall be provided in structures as required by this Section.

29-6-4 **RESIDENTIAL OCCUPANCIES.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of **sixty-five degrees Fahrenheit (65°F)** in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in **Appendix D** of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this Section.

29-6-5 **HEAT SUPPLY.** Every owner and operator of any building who rents, leases or lets **one (1)** or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from _____ to _____ to maintain a temperature of not less than **sixty-five degrees Fahrenheit (65°F)** in all habitable rooms, bathrooms, and toilet rooms.

EXCEPTION: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in **Appendix D** of the *International Plumbing Code*.

29-6-6 **OCCUPIABLE WORK SPACES.** Indoor occupiable work spaces shall be supplied with heat during the period from _____ to _____ to maintain a temperature of not less than **sixty-five degrees Fahrenheit (65°F)** during the period the spaces are occupied.

EXCEPTIONS:

- (A) Processing, storage and operation areas that require cooling or special temperature conditions.
- (B) Areas in which persons are primarily engaged in vigorous physical activities.

29-6-7 **ROOM TEMPERATURE MEASUREMENT.** The required room temperatures shall be measured **three (3) feet** above the floor near the center of the room and **two (2) feet** inward from the center of each exterior wall.

29-6-8 **RESERVED.**

DIVISION III – MECHANICAL EQUIPMENT

29-6-9 **MECHANICAL APPLIANCES.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

29-6-10 **REMOVAL OF COMBUSTION PRODUCTS.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

EXCEPTION: Fuel-burning equipment and appliances which are labeled for unvented operation.

29-6-11 **CLEARANCES.** All required clearances to combustible materials shall be maintained.

29-6-12 **SAFETY CONTROLS.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

29-6-13 **COMBUSTION AIR.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

29-6-14 **ENERGY CONSERVATION DEVICES.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

29-6-15 **RESERVED.**

DIVISION IV – ELECTRICAL FACILITIES

29-6-16 **FACILITIES REQUIRED.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and **Division V.**

29-6-17 **SERVICE.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *ICC Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than **sixty (60) amperes.**

29-6-18 **ELECTRICAL SYSTEM HAZARDS.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

29-6-19 **RESERVED.**

DIVISION V – ELECTRICAL EQUIPMENT

29-6-20 **INSTALLATION.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

29-6-21 **RECEPTACLES.** Every habitable space in a dwelling shall contain at least **two (2)** separate and remote receptacle outlets. Every laundry area shall contain at least **one (1)** grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least **one (1) receptacle**. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

29-6-22 **LIGHTING FIXTURES.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least **one (1)** electric lighting fixture.

29-6-23 **RESERVED.**

DIVISION VI – ELEVATORS, ESCALATORS AND DUMBWAITERS

29-6-24 **GENERAL.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the Building Operators.

29-6-25 **ELEVATORS.** In buildings equipped with passenger elevators, at least **one (1)** elevator shall be maintained in operation at all times when the building is occupied.

EXCEPTION: Buildings equipped with only **one (1) elevator** shall be permitted to have the elevator temporarily out of service for testing or servicing.

29-6-26 **RESERVED.**

DIVISION VII – DUCT SYSTEMS

29-6-27 **GENERAL.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE VII – FIRE SAFETY REQUIREMENTS

DIVISION I – GENERAL

29-7-1 **SCOPE.** The provisions of this Article shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

29-7-2 **RESPONSIBILITY.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Article.

DIVISION II – MEANS OF EGRESS

29-7-3 **GENERAL.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

29-7-4 **AISLES.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

29-7-5 **LOCKED DOORS.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

29-7-6 **EMERGENCY ESCAPE OPENINGS.** Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the *International Building Code* and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and

rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with **Division IV** of this Article.

DIVISION III – FIRE-RESISTANCE RATINGS

29-7-7 **FIRE-RESISTANCE-RATED ASSEMBLIES.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

29-7-8 **OPENING PROTECTIVES.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

DIVISION IV – FIRE PROTECTION SYSTEMS

29-7-9 **SMOKE DETECTORS.** Existing Group B occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.

29-7-10 **INSTALLATION.** Approved single-station smoke alarms shall be installed in existing dwelling units, congregate residences, and hotel and lodging house guestrooms. Installation shall be in accordance with the *International Fire Code*.

29-7-11 **POWER SOURCE.** In Group R occupancies, single-station smoke alarms shall be battery operated or shall receive their primary power from the building wiring provided that such wiring is served from a commercial source. When power is provided by the building wiring, the wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.